

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jayvee Rhoda	Team: Team # 1	CCRB Case #: 201405564	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 06/05/2014 3:28 AM	Location of Incident: § 87(2)(b)	Precinct: 75	18 Mo. SOL 12/5/2015	EO SOL 12/5/2015	
Date/Time CV Reported Fri, 06/06/2014 12:36 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 06/06/2014 12:36 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
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§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Anthony Donaldson	08286	941671	075 PCT
2. POM David Pralgo	23516	916465	075 PCT
3. POM Todd Hansen	13329	949083	075 PCT
4. SSA Robert Martinez	01369	922716	075 PCT
5. POM Radoslaw Terepka	14042	926200	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Gregg Minardi	04986	940475	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SSA Robert Martinez	Abuse: SGT Robert Martinez entered and searched § 87(2)(b) in Brooklyn.	§ 87(2)(g), § 87(4-b)
B.SSA Robert Martinez	Discourtesy: SGT Robert Martinez spoke discourteously to § 87(2)(b)	§ 87(2)(g), § 87(4-b)
C.SSA Robert Martinez	Abuse: SGT Robert Martinez threatened to arrest § 87(2)(b)	§ 87(2)(g), § 87(4-b)
D.POM Todd Hansen	Abuse: PO Todd Hansen searched § 87(2)(b) in Brooklyn.	§ 87(2)(g), § 87(4-b)
E.POM Anthony Donaldson	Abuse: PO Anthony Donaldson searched § 87(2)(b) in Brooklyn.	§ 87(2)(g), § 87(4-b)
F.POM David Pralgo	Abuse: PO David Pralgo searched § 87(2)(b) in Brooklyn.	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(g), § 87(4-b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(g), § 87(4-b)

Case Summary

On June 5, 2014, at approximately 3:28 a.m., § 87(2)(b) returned to his apartment at § 87(2)(b) in Brooklyn after having a dispute with three males while walking his dog. § 87(2)(b) denied brandishing a gun during this dispute. Shortly after returning to the apartment where he resides with his mother, § 87(2)(b) heard knocking on his door. § 87(2)(b) opened the door and saw officers standing outside in the hallway. PO Anthony Donaldson, PO David Pralgo, PO Todd Hansen, SGT Robert Martinez, PO Radoslaw Terepka, and PO Gregg Minardi, all from the 75th Precinct, were standing in the hallway. The officers saw that there was a dog inside the apartment and asked § 87(2)(b) to put the dog away. After § 87(2)(b) secured his dog in the bathroom, PO Donaldson, PO Pralgo, PO Hansen, SGT Martinez, PO Terepka, and PO Minardi entered the apartment, allegedly without § 87(2)(b)'s consent (**Allegations A**). While asking § 87(2)(b) about the dispute, SGT Martinez allegedly said, "You better mother fucking look for that gun and turn it over (**Allegation B**)."

SGT Martinez also allegedly said, "Your mother's going to jail if you don't mother fucking look for that gun (**Allegation C**)."

After § 87(2)(b) was brought downstairs and identified in a show-up, PO Donaldson, PO Pralgo, PO Hansen, and SGT Martinez allegedly returned to § 87(2)(b)'s apartment and searched it (**Allegations A and D-F**). § 87(2)(b) was transported to the 75th Precinct stationhouse. § 87(2)(b) was charged with menacing in the second degree. § 87(2)(g), § 87(4-b)

§ 87(2)(b)

§ 87(2)(b)

Mediation, Civil, and Criminal Histories

This case was not eligible for mediation since § 87(2)(b) was arrested. On March 25, 2015, a FOIL request was sent to the New York City Comptroller's Office and the status of a Notice of Claim for § 87(2)(b) and § 87(2)(b) is pending. § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b)

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§ 87(2)(b)

Civilian and Officer Histories

- § 87(2)(b) has filed the following CCRB complaints (encl. 7a):
 - § 87(2)(b)
- This is § 87(2)(b)'s first CCRB complaint (encl. 8a).
- PO Donaldson has been a member of the service for eight years and there are no substantiated CCRB allegations against him (encl. 2a-2d).
- PO Pralgo has been a member of the service for 19 years and there are two substantiated CCRB allegations against him. In CCRB case number 200905114, the Board did not recommend discipline for a substantiated force allegation and the NYPD took no disciplinary

action. In CCRB case number 201310387, the Board recommended charges for a force allegation and the case is currently assigned to the APU (encl. 3a-3d).

- PO Hansen has been a member of the service for four years and there is one substantiated CCRB allegation against him seizing and searching a cell phone in case number 201211134. The Board recommended charges and the case is currently assigned to the APU (encl. 4a-4b).
- SGT Martinez has been a member of the service for 16 years and there are six substantiated CCRB allegations against him. In case number 200205713, the Board recommended charges for a discourtesy allegation and the NYPD issued a command discipline. In case number 200704280, the Board recommended charges for physical force and threat of force allegations and the NYPD took no disciplinary action for both allegations. In case number 201101407, the Board recommended a command discipline for stop and frisk allegations and the NYPD issued instructions for both allegations. In case number 201310387, the Board recommended charges for a force allegation and the case is currently assigned to the APU (encl. 5a-5d).
- PO Terepka has been a member of the service for 15 years and there are no substantiated CCRB allegations against him (encl. 6a-6c).

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(g)

Recommendations

Allegation A—Abuse of Authority: SGT Robert Martinez entered and searched § 87(2)(b)

§ 87(2)(b), **in Brooklyn.**

Allegation D—Abuse of Authority: PO Todd Hansen searched § 87(2)(b)

§ 87(2)(b) **in Brooklyn.**

Allegation E—Abuse of Authority: PO Anthony Donaldson searched § 87(2)(b)

§ 87(2)(b) **in Brooklyn.**

Allegation F—Abuse of Authority: PO David Pralgo searched § 87(2)(b)

§ 87(2)(b) **in Brooklyn.**

Although § 87(2)(b) stated in his verified interview that he did not explicitly tell the officers they could enter his apartment when he secured his dog in the bathroom at their request (encl. 12a-12m), he stated when he filed his complaint that the officers told him they needed him to secure the dog before they could enter, and he said that was fine (encl. 11a-c). Furthermore, EMT § 87(2)(b) who had responded to an unrelated incident next door, corroborated that he heard § 87(2)(b) tell the officers they could enter the apartment (encl. 19a-f). § 87(2)(g)

§ 87(2)(b) stated that when officers entered the apartment, she was unable to follow all of the conversation due to her limited English. However, when the officers asked her in English if § 87(2)(b) had a gun, she told the officers in English that he did not (and she added that he did not have drugs). She never told the officers to leave or objected to them being in the apartment. § 87(2)(b) stated that when § 87(2)(b) was removed from the apartment, two officers remained with her, and a third officer who had left returned. She stated that all three officers went into the various rooms of the apartment. § 87(2)(b) § 87(2)(b)

clarified in a follow-up phone call that she remained seated on the sofa and the only search she could see was officers moving the mattress in her grandson's room. Although she could not see what the officers did in each room, after they left, drawers were left open and items from the drawers and closets were on the floor, and there was general disarray. She never told the officers they were not allowed to search the apartment.

§ 87(2)(b) was removed from the apartment next door by EMTs to go to the hospital, but neither he (encl. 16a), nor his mother, § 87(2)(b) (encl. 15a), nor his girlfriend, § 87(2)(b) (encl. 17a), witnessed details regarding the entry or search of § 87(2)(b)'s apartment. EMT § 87(2)(b) did recall plainclothes officers asking him if § 87(2)(b) had been shot, but he did not recall witnessing the officers speak to any civilians or enter any apartments (encl. 18a-e).

§ 87(2)(g)
§ 87(2)(b) PO Donaldson (encl. 20a-20m), PO Pralgo (encl. 22a-22e), PO Hansen (encl. 21a-21g), and SGT Martinez (encl. 23a-23g) all placed themselves inside the apartment after § 87(2)(b) was removed, and that they had verbal consent from § 87(2)(b) § 87(2)(b) to be there.

PO Donaldson, PO Pralgo, and Sgt. Martinez each stated that they only remained in the living room while they talked to § 87(2)(b) § 87(2)(b). However, PO Hansen admitted that he and other officers performed a protective sweep of the apartment, which involved opening doors that were closed and looking inside. PO Hansen looked inside one bedroom and saw that it was messy. Since the officers were investigating a dispute involving a firearm, PO Hansen and the other officers performed the protective sweep to ensure that no one with a firearm was inside the apartment.

§ 87(2)(g)
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§ 87(2)(g)
§ 87(2)(b)
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§ 87(2)(b)

Allegation B—Discourtesy: SGT Robert Martinez spoke discourteously to § 87(2)(b)
Allegation C—Abuse of Authority: SGT Robert Martinez threatened to arrest § 87(2)(b)

§ 87(2)(b) stated that before he was taken out of his apartment for the show-up, SGT Martinez allegedly said, "You better mother fucking look for that gun and turn it over," to him. SGT Martinez also allegedly said, "Your mother's going to jail if you don't mother fucking look for that gun," to § 87(2)(b) (encl. 12a-12m).

SGT Martinez (encl. 23a-23g) denied saying either remark to § 87(2)(b) PO Donaldson (encl. 20a-20m), PO Pralgo (encl. 22a-22e), PO Hansen (encl. 21a-21g), PO Terepka (encl. 24a-24f), and PO Minardi (encl. 25a-25f) all denied hearing SGT Martinez make these remarks or making the remarks themselves.

§ 87(2)(g)
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§ 87(4-b), § 87(2)(g)
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Team: _____

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date